

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

GLEN WOODS

CIVIL ACTION NO. 06-0935-M

-vs-

JUDGE DRELL

SANDRA BANKS, et al.

MAGISTRATE JUDGE KIRK

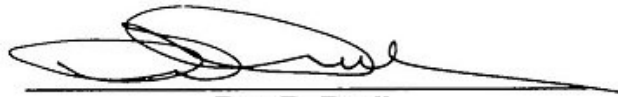
R U L I N G

This matter is before the Court on motion of the State of Louisiana (the State) to remand claims against it to state court. The issues have been considered by the magistrate judge in a well-written Report and Recommendation (Doc. No. 40). Unfortunately, the state attorney general's office failed to comply with the deadlines imposed upon the State for the submission of affidavits or other proof that the Columbia Developmental Center is, in fact, the State for purposes of suit against it. Instead, the State's lawyers waited until the time for objections to file two affidavits. Their failure now requires an unwelcomed, but necessary, re-evaluation of the motion by this judge. The attorney general's office is hereby admonished that a timely response to this Court's requirements in litigation before it is not optional. Future failures in this regard will be viewed askance.

Our review of the record, in light of the objections, is de novo. The two affidavits tardily submitted do establish that the Columbia Development Center is effectively the State for purposes of suit against it by the Plaintiff. Accordingly, those claims by the Plaintiff against the State, whether individually or through Columbia Developmental Center, must be severed and remanded. However, the claims by the United States against the State as a third-party defendant will remain in this Court, in accordance with the authorities noted and correct reasoning provided by the magistrate judge.

The State now finds itself engaging in piecemeal litigation.

SIGNED on this 20th day of March, 2007, at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read 'Dee D. Drell', written over a horizontal line.

Dee D. Drell
United States District Judge